

AMENDED IN SENATE AUGUST 18, 2000

AMENDED IN SENATE JUNE 28, 2000

AMENDED IN SENATE JUNE 20, 2000

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2316**

**Introduced by Assembly Member Mazzoni**

**(Coauthors: Assembly Members Alquist, Kuehl, Longville,  
Migden, Romero, Strom-Martin, Thomson, and  
Washington)**

(Coauthor: Senator Solis)

February 24, 2000

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An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to children of incarcerated parents, ~~and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2316, as amended, Mazzoni. Children of incarcerated parents: study.

Existing law establishes the California Institution for Women for the punishment, treatment, supervision, custody, and control of females convicted of felonies. The Department of Corrections is required to establish and implement a community treatment program for women sentenced to state prison who have one or more children under the age of 6

years. In operating the program, the department is required to make its prime concern the establishment of a safe and wholesome environment for the participating children.

This bill would require the California Research Bureau in the California State Library, pursuant to specified guidelines, to conduct a study of the children of parents who are incarcerated in state prisons.

~~The bill would appropriate the sum of \$69,000 from the General Fund to the California Research Bureau for the purpose of implementing its provisions.~~

*This bill would declare that the costs of the measure would be paid from money appropriated for its purposes in the budget.*

This bill would require certain local agencies and school districts to permit the California Research Bureau to have reasonable access to certain records, as specified.

Vote:  $\frac{2}{3}$  majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 17 (commencing with Section  
2 7440) is added to Title 7 of Part 3 of the Penal Code, to  
3 read:

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5 CHAPTER 17. CHILDREN OF INCARCERATED PARENTS

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7 77440. The California Research Bureau in the  
8 California State Library shall conduct a study of the  
9 children of women who are incarcerated in state prisons.  
10 The California Research Bureau shall design and  
11 complete the study, surveying selected state prisoners in  
12 cooperation with the Department of Corrections, and  
13 reviewing the records of local agencies to obtain outcome  
14 information about a sample of women prisoners' children  
15 ~~and a control sample.~~

16 77441. The purpose of the survey of state prisoners is  
17 to determine how many have children and to gather basic  
18 information about the children to include the following  
19 variables, among others:



- 1 (a) Number.
- 2 (b) Age.
- 3 (c) Siblings.
- 4 (d) Location.
- 5 (e) Caregiver.
- 6 (f) Grade and performance in school.
- 7 (g) Medical issues.
- 8 (h) Possible delinquency.
- 9 (i) Visitation.
- 10 (j) Possible involvement in the child welfare system.
- 11 (k) Other pertinent information.

12 77442. (a) The purpose of the review of local agency  
13 records, in a representative sample of California counties,  
14 is to obtain outcome information about the status of a  
15 sample of the children of incarcerated parents and their  
16 caregivers. ~~This information may be of value in~~  
17 ~~establishing public costs associated with the care these~~  
18 ~~children and in determining any special needs and~~  
19 ~~problems that targeted public programs might meet. The~~  
20 ~~review shall be undertaken by the California Research~~  
21 ~~Bureau.~~

22 (b) Women prisoners who participate in the survey  
23 sample of state prisoners shall provide written permission  
24 allowing the California Research Bureau access to their  
25 children's records in regard to school performance,  
26 identity of the caretaker responsible for the child, child  
27 protective services records, public assistance records,  
28 juvenile justice records, and medical records ~~relating to~~  
29 ~~including~~ drug or alcohol use, and mental health. The  
30 California Research Bureau shall follow appropriate  
31 procedures to ensure confidentiality of the records and to  
32 protect the privacy of the survey participants and their  
33 children.

34 (c) County agencies, including members of  
35 multidisciplinary teams, and school districts shall permit  
36 the California Research Bureau to have reasonable access  
37 to records, pursuant to subdivision (b), to the extent  
38 permitted by federal law.

39 (d) Notwithstanding Section 10850 of the Welfare and  
40 Institutions Code, the survey required by this section is

1 deemed to meet the research criteria identified in  
2 paragraph (3) of subdivision (c) of Section 11977 of the  
3 Health and Safety Code, and subdivision (e) of Section  
4 5328 of the Welfare and Institutions Code. For purposes  
5 of this study, the research is deemed not to be harmful for  
6 the at-risk and vulnerable population of children of  
7 women prisoners.

8 (e) For purposes of the study only, the California  
9 Research Bureau is authorized to survey records, reports,  
10 and documents described in Section 827 and in paragraph  
11 (3) of subdivision (h) of Section 18986.4 of the Welfare  
12 and Institutions Code, and information relative to the  
13 incidence of child abuse, as provided by Section 11167,  
14 among children in the study sample.

15 (f) School districts shall permit reasonable access to  
16 directory information by the California Research Bureau  
17 for purposes of this study. The California Research  
18 Bureau is deemed an appropriate organization to  
19 conduct studies for legitimate educational interests,  
20 including improving instruction, for purposes of  
21 paragraph (4) of subdivision (b) of Section 4906 of the  
22 Education Code. School variables that the California  
23 Research Bureau shall survey shall include, but not be  
24 limited to, attendance patterns, truancy rates,  
25 achievement level, suspension and expulsion rates, and  
26 special education referrals.

27 77443. The California Research Bureau shall follow  
28 appropriate procedures to ensure confidentiality of the  
29 records and to protect the privacy of the survey  
30 participants and their children, and participating  
31 agencies. Data compiled from case files shall be coded  
32 under an assigned number and not identified by name.  
33 Survey questionnaires and coding forms shall be exempt  
34 from the public disclosure requirements prescribed by  
35 Chapter 3.4 (commencing with Section 6250) of Division  
36 7 of Title 1 of the Government Code.

37 77444. The California Research Bureau shall convene  
38 an advisory group to assist in designing and administering  
39 the study. ~~Any costs associated with convening the~~

1 ~~advisory group are to be paid for by funds appropriated~~  
2 ~~pursuant to this act.~~

3 77445. The California Research Bureau shall report to  
4 the Legislature, analyzing the findings of its research,  
5 upon completion of the ~~report~~ *study*.

6 ~~SEC. 2. The amount of sixty-nine thousand dollars~~  
7 ~~(\$69,000) is hereby appropriated from the General Fund~~  
8 ~~to the California Research Bureau for the purposes of this~~  
9 ~~chapter.~~

10 *SEC. 2. Funds identified in item 6120-011-0001 of the*  
11 *2000-01 budget, as made available by the Legislature, are*  
12 *to be used for the purposes of this act, including, but not*  
13 *limited to, contracts for outside researchers.*

